

United States Court of Appeals
For the Eighth Circuit

No. 15-1699

United States of America

Plaintiff - Appellee

v.

Derrick Estell

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Hot Springs

Submitted: November 16, 2015

Filed: November 20, 2015

[Unpublished]

Before GRUENDER, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Derrick Estell directly appeals after he pled guilty to two counts of brandishing a firearm in furtherance of a crime of violence, and the district court¹ sentenced him

¹The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas.

to 32 years in prison. His counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Estell's prison term is substantively unreasonable.²

Upon careful review, we conclude that counsel's argument lacks merit because Estell's prison term, representing the statutory minimum, is not subject to review for reasonableness. *See United States v. Gregg*, 451 F.3d 930, 937 (8th Cir. 2006). Furthermore, having independently reviewed the record pursuant to *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm.

²Counsel has also filed a letter pursuant to Federal Rule of Appellate Procedure 28(j), citing *Johnson v. United States*, 135 S. Ct. 2551 (2015). We conclude that the *Johnson* decision has no bearing on Estell's convictions or sentence.